REMARKS

The Advisory Action of April 20,, 2006, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

At present, claims 1, 2, 5, 6, 11-13, 15 and 19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Houston et al.* (U.S. Patent No. 5,894,014) in view of *Spence* (U.S. Patent No. 4,919,888); claims 3, 4, 7-9 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Houston et al.* in view of *Spence* and further in view of *Quehl* (U.S. Patent No. 4,165,404). Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Houston et al.* in view of *Spence* and *Quehl* and further in view of *Leimbacher et al.* (U.S. Patent No. 5,837,181).

Claim 1 as amended above is directed to a sterilisation chamber for use in an autoclave device. The sterilisation chamber is releasably fastened within the sterilization device by releasably connecting the front planar wall surface and the rear planar wall surface directly to the housing of the autoclave device. An interior of the sterilisation chamber is pressurized during the sterilisation process so as to define a sealed pressure chamber and the sterilisation chamber comprises a self-supported structure being essentially manufactured from a polymeric material.

The primary reference upon which the Examiner relies, *Houston*, is directed to a sterilization device 10 comprising a sterilization chamber 12 surrounded by a jacket 14. Steam enters the chamber 12 through an inlet 16 and exits the jacket 14 through an outlet 18. The chamber is secured to upper frame element 28. The sterilization

device 10 further includes a front panel 60 fixed thereto which provides user controls and access to the chamber interior.

The Examiner contends that the chamber 12 of *Houston* is releasably fastened within the sterilization device by the unlabeled fasteners in frames 20 and 22 in Figure 1 connecting the front portion and the rear portion of the chamber 12 to the housing. Applicant respectfully disagrees. The vertical frames 20 and 22 are connected to upper frame element 28, which element 28 is **secured** to chamber 12 (col. 2, lines 60-61) (emphasis added). Hence, it is the bottom of the chamber that is fastened to the horizontal frame element 28, not the front and rear planar wall surfaces which are directly connected to the housing. Accordingly, Applicants contend that *Houston* fails to disclose or suggest releasable fastening of the chamber within the sterilization unit 10, as recited in claim 1.

The Examiner recognizes that *Houston* fails to teach designing the chamber essentially from a polymeric material and relies upon *Spence* for this teaching. As the Examiner's position is best understood, Applicants concur that *Spence* does disclose the use of a polymeric material to form a container in certain limited conditions. These conditions, however, require that the container be used within a pressurized sterilization chamber. That is, the polymeric container disclosed in *Spence* is better known in the art as a sterilization cassette and it cannot function by itself as a sterilization chamber of an autoclave device (See, Declaration under 37 C.F.R. 1.132 of Johan Wanselin, filed March 30, 2005). In fact, as mentioned in *Spence* (and as a skilled person would interpret the description) the polymeric container/cassette must be inserted into a sterilization chamber, which chambers are previously known in the art and made of metal, such as stainless steel.

The Examiner refers to the following in *Spence* (col. 4, lines 30-33), asserting that the sterilization chamber "may be made of any suitable metal and/or plastic material which are not adversely affected by the sterilant or by the sterilization conditions." Applicants respectfully traverse the Examiner's reasoning in substituting the plastic container of *Spence* for an ASME-certified sterilization pressure chamber (i.e., one that is verified with extensive FEM-analysis). Thus, it is not the same pressure conditions for a *Spence* container with filter means being equalized in a sterilization pressure chamber and a sterilization pressure chamber (ASME-certified). The *Spence* container is not suitable to be used as a pressure chamber (internally pressurized) in an autoclave device, especially not according to the ASME. For instance, the container has only a microorganism proof seal between the lid and the base and is not adapted to be internally pressurized.

Thus, if modified as the Examiner suggests, there is no teaching or suggestion that the sterilization chamber of *Houston* would be able to withstand the sterilization pressures to be exerted thereon. The Federal Circuit has held that if a "proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). As such, Applicants submit that there is no motivation to combine the teachings of *Spence* with the sterilization unit of *Houston* to make the modification proposed by the Examiner.

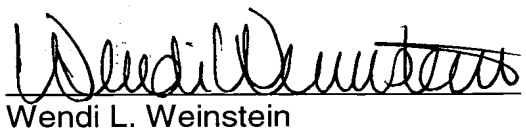
CONCLUSION

Applicants believe that a personal interview would be helpful in resolving any remaining issues pertaining to this application and will be contacting the Examiner shortly to request the same.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: May 25, 2006

By: 

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